

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

Bill No. 05-20

Introduced by: \_\_\_\_\_ Council Member Guthrie

Legislative Day No. \_\_\_\_\_ 05-12 \_\_\_\_\_ Date: \_\_\_\_\_ April 19, 2005

AN ACT to repeal and reenact, with amendments, Section 225-6, Special assessments for private roads, of Article III, General Regulations, of Chapter 225, Streets, Sidewalks and Public Works, of the Harford County Code, as amended; to establish a certain time frame for the payment of improvements to assessments relating to improvements for private roads; and generally relating to private roads.

By the Council, \_\_\_\_\_ April 19, 2005

Introduced, read first time, ordered posted and public hearing scheduled

on: \_\_\_\_\_ May 17, 2005

at: \_\_\_\_\_ 7:45 p.m.

By order: \_\_\_\_\_ *Barbara J. Ruth* \_\_\_\_\_, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_ May 17, 2005 \_\_\_\_\_, and concluded on \_\_\_\_\_ May 17, 2005 \_\_\_\_\_.

\_\_\_\_\_ *Barbara J. Ruth* \_\_\_\_\_, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

1 Section 1. Be It Enacted By the County Council of Harford County, Maryland, that Section 225-6,  
2 Special assessments for private roads, of Article III, General Regulations, of Chapter 225, Streets,  
3 Sidewalks and Public Works, of the Harford County Code, as amended, be, and it is hereby,  
4 repealed and reenacted, with amendments, all to read as follows:

5 Chapter 225. Streets, Sidewalks and Public Works.

6 Article III. General Regulations.

7 Section 225-6. Special assessments for private roads.

8 A. Authorized. The county may construct and improve roads and drainage incident to the  
9 construction or improvement on or along private roads, after the approval of a petition of the  
10 majority of the property owners whose property abuts on the road to be constructed or improved  
11 requesting that such roads be taken into the county road system. In the exercise of the powers  
12 granted by this section, the [county, by proper law passed in accordance with the provisions of  
13 Anno. Code of Md. (1957), Art. 25, § 3,] COUNTY may adopt all necessary rules and conditions  
14 for the acceptance, construction and maintenance of such roads and other authorized  
15 improvements by the county. Such ordinance may also provide for annual benefit assessments to  
16 be levied against the abutting properties and other properties benefited by the construction or  
17 improvement, for the purpose of reimbursing the county for the cost of such improvements and the  
18 time and manner of payment, except that the time of payment may not exceed [ten (10)] 20 years.  
19 Annual benefit assessments shall be a first lien upon the property against which they are assessed  
20 until paid, subject only to prior state and county taxes, and if any property is sold for state and  
21 county taxes and there remains a surplus over the amount of the taxes due, the county, upon proper  
22 petition to the circuit court, may be allowed the payment of its lien.

1 B. Notice. For the purpose of giving notice to the general public as to existing liens and  
2 charges against any property for benefit assessments, the county shall keep a public record of all  
3 names of property owners and the locations of such property and the amount of such benefit  
4 charges among the land records of the county under the supervision of the Clerk of the Circuit  
5 Court, and the recordation with such Clerk of such benefit assessments shall be legal notice of  
6 such liens.

7 C. Collection. The county, on or before the beginning of the fiscal year, shall certify its benefit  
8 assessments under this section to the Treasurer of the county for collection from the property  
9 owners affected, and the Treasurer shall add the benefit assessments to the state and county  
10 property tax bills for collection by October 1 of each year without interest or discount. Upon  
11 failure of payment of the benefit assessments, they may be deducted from any surplus in the hands  
12 of the Treasurer after a sale for nonpayment of state and county property taxes under proper order  
13 of the Circuit Court. In the alternative, the lien created in favor of the annual benefit assessments  
14 may be enforced by bill in equity or by action in personam.

15 D. Petition. Before the powers granted by this section to the county shall be exercised, there  
16 shall first be presented to the county a petition by a majority of the property owners as  
17 hereinbefore provided requesting improvements, if money is available; public hearing upon the  
18 petition after [ten (10)] 10 days' notice in a newspaper regularly published in the county; approval  
19 of the petition by the county; and the passage of any appropriate ordinance, pursuant to the  
20 authority of this section, setting forth the improvements being proposed, the property owners  
21 directly affected and all material terms of the annual benefit assessments levied to pay the cost of  
22 such improvements or any reasonable portion thereof, as determined by the county.

- 1 Section 2. And Be It Further Enacted, that this Act shall take effect 60 calendar days from the date
- 2 it becomes law.

Effective: **July 19, 2005**

*The Council Administrator does hereby certify that fifteen (15 ) copies of this Bill are immediately available for distribution to the public and the press.*

A handwritten signature in cursive script, reading "Barbara J. Ruth", is written over a horizontal line.

HARFORD COUNTY BILL NO. 05-20

Brief Title Private Roads Assessments  
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Barbara J. Ruth  
Council Administrator

Date May 17, 2005

**ENROLLED**

Robert J. Hague  
Council President

Date May 17, 2005

**BY THE COUNCIL**

Read the third time.

Passed: LSD 05-16

Failed of Passage: \_\_\_\_\_

By Order

Barbara J. Ruth  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 18<sup>th</sup> day of May, 2005 at 3:00 p.m.

Barbara J. Ruth  
Council Administrator



**BY THE EXECUTIVE**

James M. Harkin  
COUNTY EXECUTIVE

APPROVED: Date 5-19-05

**BY THE COUNCIL**

This Bill No. 05-20, having been approved by the Executive and returned to the Council, becomes law on May 19, 2005.

EFFECTIVE DATE: July 19, 2005

Barbara J. Ruth  
Barbara J. Ruth, Council Administrator